



REVIEW



ARMY SEEKS \$7.1 BILLION IN ENERGY-RELATED INDUSTRY INVESTMENT

The Army is hoping industry will be willing to invest as much as \$7.1 billion dollars over ten years on installations to develop renewable energy projects that can help the service meet its energy security goals. To make that easier, the Army announced in August the creation of an "Energy Initiatives Task Force" to interface the Army with the private sector, and to ensure that potential investors and developers are comfortable working in the sometimes complex acquisition environment of the federal government. That task force became effective on September 15, 2011. To read more follow link [here](#).

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EDITOR'S NOTE

The Regional Environmental and Energy Office-Northern (REEO-N) created a new photographic masthead which highlights and symbolizes our mission focus for our area of responsibilities. Additionally, the Regional and State Sections of the REVIEW have been moved up front in this document to provide our readership immediate reference to state legislative and regulatory summaries. We welcome your feedback on any of the changes and we look forward to continuing to inform you.

REGIONAL ENVIRONMENTAL & ENERGY OFFICE - NORTHERN WORKING FOR YOU.

The NORTHERN REGION REVIEW provides current information on government affairs, energy and environment relevant to Department of Defense interests in the 22 states and territories in Federal Regions 1, 2, 3 and 5. The Review is intended to be a tool useful to DoD and Army leaders, and program managers in carrying out their responsibilities. The Northern Region Review monitors and targets proposed and final regulations and legislation that may affect Army or DoD operations. For further information on the Army's Regional Environmental and Energy Offices, visit: <http://www.asaie.army.mil/Public/ESOH/REEO/>



REGION 1

For more information on any state issues in Region 1, contact Robert Muhly, , Army Regional Environmental Coordinator, Region 1, (410) 436-6224, e-mail: robert.l.muhly.civ@mail.mil



MAINE

LICENSURE OF WATER SYSTEM OPERATORS

The Maine Board of Licensure of Water System Operators issued a [proposed rule](#) that provides for examinations to be proctored by a third party, and would remove the requirement for sequential examinations. In addition, it would repeal the water operator grandfathering provisions for certain water systems, and would also establish a new fee schedule by revising the procedures for license revocation. Furthermore, the rule would include new fee structures separating examination and licensing fees. A public hearing occurred on September 15, 2011, and the comment deadline closed on September 25, 2011.



MASSACHUSETTS

AIR RULE CORRECTIONS

The Massachusetts Department of Environmental Protection (MassDEP) has issued a [final rule notice](#) that makes several citation corrections to a 2009 adopted air pollution control rule, referred to as chapter number (310 CMR 7.00) "*Plan Approval and Emission Limitations*." Specifically, the most significant of the corrections was for a table that cited the carbon monoxide level for boilers much lower than permissible. This air rule is regarding all the record keeping requirements, Restricted Emission Status (RES), Reasonably Available Control Technology (RACT) applicability thresholds for volatile organic compounds (VOC's) and halogenated organic compounds (HOC). There is no comment deadline or hearing scheduled.



NEW HAMPSHIRE

PROPOSED RULE ON THE APPLICABILITY OF STAGE II VAPOR RECOVERY

The New Hampshire Department of Environmental Services (DEP) issued a [proposed rule](#) that would amend [\[Env-Wm 1404.17\]](#) the rules on Applicability of Stage II Vapor Recovery. Env-Wm 1404.17 establishes the criteria for identifying gasoline storage tanks and gasoline dispensing facilities that are required to be equipped with Stage II vapor recovery equipment in New Hampshire. Beginning January 1, 2012, the Department is proposing to amend Env-Wm 1404.17 to eliminate the requirement to install Stage II controls on new or significantly modified gasoline dispensing facilities and to allow existing Stage II systems to be decommissioned. Also it would require facilities that currently have Stage II equipment to decommission the equipment by December 22, 2015 (the same as the deadline for removing any part of an existing single-walled underground storage tank system without secondary containment and leak monitoring). The DEP is proposing to retain the requirement to conduct triennial pressure decay testing of the vapor recovery system piping for so long as it remains in place. The public hearing is scheduled for October 7, 2011, and the [comment](#) period closes on October 17, 2011. Those affected by the proposed amendments are the owner and operator of any gasoline storage tank or gasoline dispensing facility that (1) is subject to Stage I requirements (tank capacity $\geq 1,100$ gallons of gasoline or total annual throughput $\geq 120,000$ gallons of gasoline); (2) is located in Hillsborough, Merrimack, Rockingham, or Strafford county; and (3) has an annual throughput for any year of $\geq 420,000$ gallons of gasoline or was constructed after November 15, 1990 (regardless of throughput).

STATEWIDE AIR PERMIT AMENDMENTS

Department of Environmental Services (DEP) issued a [proposed rule](#) that readopts and amends rules to implement the permitting requirements of [RSA 125-C and RSA 125-I]. This rule would regulate the operation and modification of new and existing stationary sources, area sources, and devices in order to achieve and maintain the ambient air quality standards established pursuant to [RSA 125-C and Env-A 300], and also to provide the rules for the ambient air limits for regulated toxic air pollutants established pursuant to [RSA 125-I and Env-A 1400]. In addition this proposed rule continues work that was not previously completed. Sections of the rules that expired in April 2011 were readopted as interim rules. This proposed rule is readopting those interim rules as regular rules with limited revisions. The comment period closed on August 29, 2011.

AIR PERMIT APPLICATION FORMS

DEP issued a [proposed rule](#) that readopts and amends Env-A 1701 through Env-A 1709, the rules that establish the information and forms required to be submitted by applicants for a temporary air permit, state permit to operate, and Title V operating permit. All of these rules except (Env-A 1701.03(a)) were adopted as interim rules because they were scheduled to expire on May 3, 2011, and additional time was needed to comprehensively revise the rules in conjunction with related rules in (Env-A 600). Those sections and paragraphs will expire on October 30, 2011 unless adopted as regular rules. DEP is proposing to readopt, as regular rules, the portions of [Env-A 1700], that were adopted as interim rules, with limited revisions to [Env-A 1701.01] and [Env-A 1702.01] to clarify the language. No existing requirements are proposed to be changed.



REGION 2

For more information on any state issues in Region 2, contact Robert Muhly, Army Regional Environmental Coordinator, Region 2, (410) 436-6224, e-mail: robert.l.muhly.civ@mail.mil.



NEW JERSEY

REMEDIATION OF CONTAMINATED SITES AND THE UST RULES

The Department issued a [proposed rule](#) that amends the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS rules), the UST rules and the Industrial Site Recovery Act (ISRA) rules. It will remove all provisions related to the phase in period during which projects are currently allowed to transition from proceeding under direct Department oversight to proceeding under the supervision of an Licensed Site Remediation Professionals (LSRPs). The technical requirements for UST's will now be more performance based set of rules that will allow more flexibility in addressing contamination and potential exposure pathways while continuing to ensure that remediation is conducted in such a way that the results are protective of human health, and the environment. In addition, the rule clarifies that any discharge, not just discharges caused by spills and overfills, must be investigated and reported to the Department, and the rule also requires that reporting be made pursuant to the ARRCS rules. The deadline for the comment period is October 14, 2011.

REMEDIATION OF SITES RULE UPDATES

The New Jersey DEP/Site Remediation Program issued a [proposed rule](#) referred to as Requirements for the Remediation of Sites [NJAC 7:1E 5.7 through 7:26E]. It will amend administrative changes to its rules at Air Pollution Control, N.J.A.C. 7:27; Air Administrative Procedures and Penalties, N.J.A.C. 7:27A; Sampling and Analytical Procedures, N.J.A.C. 7:27B; and CO2 Budget Trading Program, N.J.A.C. 7:27C. The comment deadline is October 14, 2011.

PENDING APPROVAL OF NJ SIP REVISIONS

USEPA issued a proposed rule that would approve the revision to the State Implementation Plan (SIP) submitted by the State of New Jersey on July 28, 2009, and supplemented on December 9, 2010, and March 2, 2011, that addresses regional haze for the first planning period from 2008 through 2018 [[76 FR 49711](#), August 11, 2011]. This revision addresses the requirements of the Clean Air Act and USEPA's rules that require states to prevent any future, and remedy any existing, anthropogenic impairment of visibility in mandatory Class I areas caused by emissions of air pollutants located over a wide geographic area (also referred to as the "regional haze program"). States are required to assure reasonable progress toward the national goal of achieving

natural visibility conditions in Class I areas. New Jersey's SIP is in two parts: Reasonable Progress and application of Best Available Retrofit Control Technology. USEPA is proposing to approve the Reasonable Progress portion of the plan, since New Jersey has adopted all of the reasonably available measures recommended by the states during the development of the SIP. USEPA is proposing approval of New Jersey's plans to implement Best Available Retrofit Technologies on eligible sources, as well New Jersey's Subchapter 9, Sulfur in Fuels. The comment deadline closed on September 12, 2011.



NEW YORK

APPROVAL OF NY SIP REVISIONS

USEPA issued a final rule that approves portions of a proposed State Implementation Plan (SIP) revision submitted by New York that are intended to meet several Clean Air Act requirements for attaining the 0.08 part per million 8-hour ozone national ambient air quality standards [[76 FR 51264](#), August 18, 2011]. Specifically, EPA is approving into the SIP the following elements which are required by the Act: the 2002 base year and 2008 projection year emissions inventories, the 2008 motor vehicle emissions budgets used for planning purposes, the 2008 Reasonable Further Progress (RFP) plan, and the 2008 RFP Plan contingency measures as they apply to the New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT 8-hour ozone moderate nonattainment area. EPA is also approving the 2002 base year emissions inventory for the Poughkeepsie 8-hour ozone moderate nonattainment area and the state-wide 2002 base year ozone emissions inventory. This rule went into effect on September 19, 2011.



REGION 3

For more information on any state issues in Region 3, contact Amy Alton, Army Regional Environmental Coordinator, Region 3, (410) 436-7098, e-mail: amy.i.alton.civ@mail.mil



DISTRICT OF COLUMBIA

STORMWATER FEE DISCOUNT PROGRAM

The District of Columbia Department of the Environment (DDOE) issued a [proposed rule](#) that establishes a Stormwater Fee Discount Program for DC water and sewer customers. The rule 1) specifies program eligibility requirements and the maximum discount available to customers; 2) defines general categories of stormwater retention practices eligible to receive discounts; 3) describes how discounts will be calculated; and 4) sets forth application, review, and appeal processes for the discount program. DC's stormwater fee, applicable to DoD facilities, is based on a property's amount of impervious surface area and is used to manage and treat pollution caused by stormwater runoff. DDOE will accept applications for the discount upon finalization of this rulemaking. For those eligible, retroactive discounts will be applied back to May 1, 2009 for stormwater retention practices previously installed. The comment deadline closed September 6, 2011.



AIR QUALITY SIP IMPLEMENTATION PLANS

USEPA issued a final rule that approves and promulgates Delaware's Air Quality Implementation Plans pursuant to the Clean Air Act (CAA) sections 110(k)(2) and (3) [[76 FR 47068](#), August 4, 2011]. The approved submittals from Delaware address the infrastructure elements (which concern permitting requirements) specified in the CAA section 110(a)(2), necessary to implement, maintain, and enforce the 1997 8-hour ozone; fine particulate matter (PM_{2.5}) national ambient air quality standards (NAAQS); and the 2006 PM_{2.5} NAAQS. This final rule is limited to the following infrastructure elements which were subject to USEPA's completeness findings pursuant to CAA section (k)(1) for the 1997 8-hour ozone NAAQS dated March 27, 2008 and the 1997 PM_{2.5} NAAQS dated October 22, 2008: 110(a)(2)(A), (B), (C), (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M), or portions thereof. This final rule became effective on September 6, 2011.



VOC SIP REVISIONS

USEPA issued a proposed rule to approve State Implementation Plan (SIP) revisions submitted by the State of Maryland. These SIP revisions pertain to amendments to Maryland's rule for the control of volatile organic compound (VOC) emissions from chemical production and polytetrafluoroethylene (PTFE) operations; paint, resin, and adhesive manufacturing; and adhesive and sealant application [[76 FR 51925](#), August 19, 2011]. These SIP revisions include a new regulation for the control of VOC emissions from adhesives and sealants. The comment period closed on September 19, 2011.

GENERAL DISCHARGE PERMIT FOR TANKS AND PIPES

Maryland Department of the Environment (MDE) issued a notice of tentative determination on the [General Permit for Discharges](#) from Tanks, Pipes and Other Liquid Containment Structures at Facilities Other than Oil Terminals (General Discharge Permit No. 11HT (NPDES No. MDG67)) - a reissue with revisions to the previously issued permit (No. 06HT). New requirements and updates include: a Pollution Prevention Plan (PPP) prior to obtaining coverage under the permit within six months; 30-day notification requirements for any significant structural additions; new applicable months for existing temperature parameters; new requirements for potable water systems, where mechanical cleaning occurs, with a new numeric discharge limit for total suspended solids (TSS) of 60 mg; quarterly (as opposed to monthly) submission of Discharge Monitoring Reports (DMRs); new fire control systems and pipe flushing requirements for discharges of untreated water in excess of 10,000 gallons per day; clarification on the types of eligible discharges authorized by the permit; and updates to standard permit conditions. A hearing occurred on August 31, 2011 and the comment period closed on September 6, 2011.



SIP UPDATE WITH DIESEL-POWERED MOTOR VEHICLE IDLING ACT

USEPA issued a final rule to approve a revision to the Pennsylvania State Implementation Plan (SIP) incorporating the Commonwealth's Diesel-Powered Motor Vehicle Idling Act (Act 124). Act 124, signed into law and effective February 2009, reduces the allowable time that heavy-duty, commercial highway diesel vehicles of over 10,000 pounds gross vehicle weight can idle their main propulsion engines [[76 FR 45705](#), August 1, 2011]. The law restricts idling of these commercial diesel vehicles (mostly heavy trucks and buses) to a period of 5 minutes per continuous 60 minute period (with certain allowable exemptions and exclusions). This rule is effective on September 30, 2011, contingent on no adverse comments.

ADHESIVES AND SEALANTS SIP RULE

USEPA issued a proposed rule that would approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania [[76 FR 53369](#), August 26, 2011]. The SIP revision pertains to amendments to 25 Pennsylvania Code (Pa. Code) Chapters 121, 129, and 130 relating to control of emissions of volatile organic compounds (VOCs) from the manufacture, sale, use, or application of adhesives, sealants, primers, and solvents. The comment period closed on September 26, 2011.



VIRGINIA

SMALL RENEWABLE ENERGY WATER PROJECTS

Virginia Department of Environmental Quality (DEQ) has issued a [notice of intended regulatory action](#) to consider promulgating 9VAC15-80, Small Renewable Energy Projects (Water Related) Permit by Rule Regulation. The purpose of the proposed action is to implement 2009 state legislation requiring DEQ to develop one or more permits-by-rule for water-related energy projects with rated capacity not exceeding 100 megawatts, if DEQ determines that a permit-by-rule is necessary. In this regulatory action, DEQ will determine what requirements, if any, must be met for small water-related renewable energy projects (i.e., projects generating electricity from falling water (hydroelectric), wave motion, tides, or geothermal power).

DEFECTIVE GYPSUM WALLBOARD

The Virginia Department of Housing and Community Development issued a [final rule](#) that establishes interim performance standards and code provisions for gypsum wallboard. The rule addressing the installation, application, and use of gypsum wallboard, which may contain defects from the manufacturing process resulting in the off-gassing of corrosive chemicals affecting the electrical and mechanical systems of buildings. The final rule went into effect on August 29, 2011; however Subsections F through X of the final rule expire on August 29, 2013.



REGION 5

For more information on any state issues in Region 5, contact Dr. Hartman, DoD Regional Environmental Coordinator, Region 5, (410) 436-7096, e-mail: James.r.hartman32.civ@mail.mil



ILLINOIS

NEW COMPLIANCE DATE FOR NITROGEN OXIDE EMISSIONS

The following final rule notice changes a compliance date that may impact military facilities with permitted industrial boilers, process heaters, or fossil-fuel fired stationary boilers. The Illinois Pollution Control Board issued a [final rule](#) modifying the date for compliance with the requirements of various Subparts of [35 Ill. Adm. Code 217, Nitrogen Oxides Emissions]. Specifically, the final rule extends the compliance date for control of NOx emissions from various source categories from January 1, 2012 to January 1, 2015, and an owner or operator must submit an emissions averaging plan to the Agency by January 1, 2015 vice 2012. The new compliance date applies to emissions from source categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting, and fossil fuel-fired stations. The Illinois EPA states that extending the compliance date for the requirements under Subparts [D, E, F, G, H, I, and M of Part 217] would "satisfy Illinois'" obligation to submit a State Implementation Plan (SIP) to address the requirements under Sections 172 and 182 of the federal Clean Air Act for major sources of NOx in areas designated as nonattainment with respect to National Ambient Air Quality Standards (NAAQS). The final rule was adopted on September 2, 2011.

NEW EFFLUENT STANDARDS FOR PRIMARY CONTACT RECREATION USE WATERS

The Illinois Pollution Control Board issued a [proposed rule](#) (see pg. 49) that would establish new effluent standards and create a new section to the existing rules [Section Number 304.224]. The proposed rules set a limit of 400 fecal coliform colony forming units (CFU) per 100 ml from March 1, through November 30, for effluent discharges to primary contact recreation use water segments of the Chicago Area Waterway System (CAWS). Those segments are 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel. The comment deadline for the CFU rule was September 12, 2011.

NEW AMENDMENTS TO COMPLIANCE COMMITMENT AGREEMENTS

On August 23, 2011, Senate Bill [S 1357](#) also referred to as, IL EPA-*Compliance Agreements* [was enacted](#). The law amends sections 31 and 42 of the Illinois Environmental Protection Act by requiring persons who have complaints brought against them to submit the proposed terms of a Compliance Commitment Agreement (CCA) rather than the currently required proposed CCA. It further requires the Agency to provide the proposed CCA or a notice that certain violations cannot be resolved without the involvement of the Office of the Attorney General or State's Attorney. It also authorizes Agencies to include proposed administrative penalties to language in the proposed CCA, institutes new acceptance or rejection procedures, stipulates response times. Furthermore, a new provision authorizes a person to cure a violation of a CCA by entering into a mutually agreed upon amendment to that CCA, decreases the mandatory civil penalty for a violation of the terms and conditions of a CCA from \$3,000 to \$2,000. This law potentially impacts military facilities that will enter into future CCAs with the State.

NEW ENVIRONMENTAL JUSTICE ACT

On August 16, 2011, Senate bill [\[S 2193\]](#) was signed by Governor Quinn, enacted, and renamed, [Public Act 97-0391](#) or PA 391. The new law creates a Commission on Environmental Justice and establishes its composition, duties and powers. It also provides for public participation in decisions affecting environmental justice communities and requires the Illinois Environmental Protection Agency to provide the Commission with administrative support. This law may impact military NEPA assessments and permitting actions in environmental justice areas.



PROPOSED COMPLIANCE DETERMINATIONS WITH PARTICULATE MATTER LIMITATIONS

The Indiana Department of Environmental Management (IDEM)/Air Pollution Control Board issued a [proposed rule](#) that would establish emissions limitations for particulate emissions located anywhere in the state. The purpose of this rulemaking is to amend [326 IAC 6.5] and [326 IAC 6.8] to allow certain operations subject to particulate matter emission limits to demonstrate compliance with those limits by implementing identified work practices and control technologies. 326 IAC 6.5 establishes particulate matter control measures and emission limits for several Indiana counties previously designated as nonattainment with the National Ambient Air Quality Standards (NAAQS) for particulate matter. 326 IAC 6.5 applies particulate matter limits and control requirements for facilities located in Clark, Dearborn, Dubois, Howard, Marion, St. Joseph, Vanderburgh, Vigo, and Wayne counties. These control requirements for the listed counties include facility specific particulate matter emission limitations, a general particulate matter emission limit for all facilities, and industry specific particulate matter emission limits. This rulemaking will consider amending 326 IAC 6.5 and 326 IAC 6.8 to permit these types of sources to demonstrate compliance through the use of the 326 IAC 6-3-2(d) type work practice standards. IDEM specifically requests suggestions on other industry sectors and specific work practice standards that would be appropriate in demonstrating compliance for sources otherwise unable to efficiently and effectively verify compliance with the general particulate matter emission limits in 326 IAC 6.5 and 326 IAC 6.8. Primary impact will be to installations with permitted surface coating operations. This rule is the second notice and the comment deadline closed in August 2011. A public hearing is scheduled for November 2, 2011.

PROPOSED NPDES GENERAL PERMIT RULES

IDEM/Water Pollution Control Board issued a [proposed rule](#) that transfers authority for issuing NPDES general permits from the Board to the Department. The rule would add a renewal process that meets the standards of the Clean Water Act. It will consolidate all NPDES general permit rules in one article with the exception of general permit rules for concentrated animal feeding operations which are proposed to be eliminated in this rulemaking and will be handled separately, due to a number of changes that have occurred in the NPDES program at the federal level. New rules are needed to establish technology-based effluent guidelines and as well as new source performance standards for the construction and development sector. The move from "permit by rule" general permits to administratively issued general permits is intended to be a purely procedural move. The regulatory requirements on affected permit holders will remain the same, except in those cases where new federal requirements have been put in place since the last amendments to the state general permit rules. Those requirements will be included in the draft general permits when they are made available for public comment as required under the CWA. The original comment deadline has been extended from September to the new comment deadline of October 7, 2011.

NEW FINAL AIR RULES

IDEM issued a [final rule](#) that is substantively different from the draft rule published on March 31, 2010 at [DIN: 20100331-IR-326050330SNA](#). This rule makes numerous corrections and updates deficiencies identified by USEPA to obtain federal approval of these rules into the state implementation plan. In addition the rule addresses certain testing requirements for peaking units. IDEM has identified technical corrections and clarifications that are needed in existing rules in 326 IAC 3 and 326 IAC 7 concerning emissions monitoring requirements. The rule is final and went into effect on September 10, 2011.



MINNESOTA SIP RULES UPDATE

USEPA issued a final rule that approves and promulgates the Minnesota State Implementation Plan (SIP) and which updates Minnesota's rules in the SIP [[76 FR 49303](#), August 10, 2011]. The Minnesota Pollution Control Agency (MPCA) submitted the SIP revision to EPA on May 5, 2008. The revisions to Minnesota's air quality rules reflect changes that have occurred to the state rules since 1998. EPA is approving the majority of MPCA's submittal, which will result in consistent enforceability of rules at the state and federal levels. EPA is deferring action on two sections of Minnesota's rules related to the state's operating permit program. Finally, EPA is disapproving the state's request to remove the Minneapolis/St. Paul vehicle inspection and maintenance program from the Minnesota SIP. These actions are consistent with the Clean Air Act (CAA) and EPA regulations. The final rule is effective October 11, 2011, contingent on no adverse comments.



APPROVAL AND PROMULGATION OF AIR QUALITY IMPLEMENTATION PLANS

USEPA issued a final rule approving as part of Ohio's State Implementation Plan (SIP) under the Clean Air Act (CAA), a revised rule 3745-21-07, "Control of emissions of organic materials from stationary sources (i.e., emissions that are not regulated by rule 3745-21-09, 3745-21-12, 3745-21-13, 3745-21-14, 3745-21-15, 3745-21-16, or 3745-21-18 of the Administrative Code)." This rule has been revised because the prior version of 3745-21-07, in Ohio's SIP, had inadequate compliance test methods and definitions [[76 FR 51901](#), August 19, 2011]. On February 8, 2008, the previously existing rule 3745-21-07, which was part of Ohio's SIP, was rescinded by Ohio EPA. The most significant problem with the prior version was the definition of "photochemically reactive material," which is different than the definition of "volatile organic compounds" (VOC), upon which EPA's reasonably available control technology (RACT) regulations are based. The revised rule is now approved because it satisfies the applicable requirements for VOC sources under the CAA. USEPA proposed this rule for approval on April 13, 2011, and received no comments. This final rule went into effect on September 19, 2011.

USEPA AND CLEVELAND OZONE NON-ATTAINMENT

USEPA is proposing to approve revisions to the Ohio State Implementation Plan (SIP) submitted on January 3, 2008 and June 1, 2011 [[76 FR 48754](#), August 9, 2011] under the Clean Air Act (CAA). These revisions incorporate provisions related to the implementation of nitrogen oxides (NOX) Reasonably Available Control Technology (RACT) for major sources in the former Cleveland-Akron-Lorain moderate ozone nonattainment area. These rules are not required because, as established in section 182(f) of the CAA, NOX emission control requirements do not apply if the resulting emission reductions are not needed to demonstrate attainment of the 8-hour ozone standard, which is the case for the former Cleveland-Akron-Lorain moderate ozone nonattainment area. However, these rules are being submitted and approved for their SIP strengthening effect as the control requirements in the submitted rules result in a RACT level of control. The comment period closed on September 8, 2011.

RADIATION LICENSING FINAL RULE

The Ohio Department of Health/Radiation Control issued a [final rule](#) which amends and updates the rules in [Section 3701:1-40-18] and specifies the radiation license rules for expiration or termination of a license. In addition the rule has, decommissioning

of sites provisions and license provisions for separate buildings or outdoor areas. Furthermore, the rules also specify the rules for restricted areas until that area is suitable for release in accordance with department requirements as may be imposed by rule 3701:1-38-22 of the Administrative Code. Finally, the rule also specifies the record requirements. This rule potentially impacts facilities and installations licensing and transporting certain radio-active materials. The rule was adopted on August 19, 2011 and became effective September 1, 2011.

FINAL AMENDMENTS TO RADIOACTIVE TRANSPORTATION REQUIREMENTS

The Ohio Department of Health/Radiation Control issued a [final rule](#) which amends and updates the rules in [Section 3701:1-50-02] concerning transportation requirements for radioactive material. It also updates references, amends text regarding non-fixed radioactive contamination wiping rules to reflect changes to federal regulation, and amends the rules regarding training of personnel. This rule may impact installations conducting activities using radioactive materials or managing/transporting radioactive materials. The final rule was adopted August 18, 2011, and became effective on September 1, 2011.

NEW PREHEARING DISCOVERY RULES FOR APPEALS BEFORE THE COMMISSION

The Environmental Review Appeals Commission issued a [final rule](#) that encourages the prompt and expeditious use of prehearing discovery to facilitate thorough and adequate preparation for participation in appeals before the commission. The rule amends and updates the rules in [Sections 3746-6-01 to -09; -9-01] concerning procedures for Discovery [Section 3746-6-01], Depositions [Section 3746-6-02], Interrogatories [Section 3746-6-03], Production and inspection of documents [Section 3746-6-04], Requests for admission [Section 3746-6-05], Protective orders [Section 3746-6-07], and Motions to compel discovery [Section 3746-6-08]. In addition the rule rescinds the rules for Discovery subpoenas [Section 3746-6-06]. This rule is of primary interest to military organizations involved in hearings or appeals before the Commission. The final rule became effective on August 15, 2011.

UNDERGROUND STORAGE TANK OPERATOR TRAINING

The Department of Commerce/Division of State Fire Marshal issued a [final rule](#) specifying the Underground Storage Tank (UST) operator training rules by amending and updating the rules in [Sections 1301:7-9-19]. The rule adds definitions, technical requirements and training and certification requirements. This rule may impact military facilities managing USTs. The final rule became effective on September 1, 2011.

UPDATES TO OHIO EPCRA 5 YEAR REVIEW

Ohio EPA and the State Emergency Response Commission (SERC) issued a [proposed rule](#) amending Ohio Administrative Code (OAC) [Chapters 3750-1, 3750-15, 3750-25, 3750-30, and 3750-50] and submitted it to the Joint Committee on Agency Rule Review (JCARR). The primary purpose of the review is to satisfy the requirements of ORC 119.032 (five-year review) and to ensure that SERC rules continue to be consistent with and equivalent in scope, content, and coverage with the Federal Emergency Planning and Community Right-to-Know Act (EPCRA). This proposed rule concerns emergency release notification requirements, designation of hazardous substances and determination of reportable quantities, hazardous chemicals, and emergency planning and community right to know funds. The comment deadline and public hearing occurred on September 19, 2011.

UPDATES TO NOX AND SULFUR RULES

Ohio EPA issued a [proposed rule](#) that amends the rules in Ohio Administrative Code (OAC) [Chapters 3745-103-01], "Definitions and reference materials for the rules on the Control of Emissions, Sulfur Dioxide and NOx from fossil fuel fired electrical generating units." Most of these updates are minor except for the elimination of a section concerning the "Provisions for opt-in permit applicants." This proposed rule likely will be of interest to installations operating coal fired boilers and electrical power plants. The comment deadline closes on October 3, 2011.

UPDATES TO ACID RAIN PROGRAM RULES

Ohio EPA Division of Air Pollution Control (DAPC) issued a [proposed rule](#) that amends the rules in Ohio Administrative Code (OAC) [Chapters OAC 3745-103-28, -31, -32, -34, -35, -42, -44 thru -48, -51 thru -53, -55 thru -63, -65, -66], "Acid Rain Permits and Compliance." These rules are related to the Acid Rain program for control of emissions of sulfur dioxide and nitrogen oxides from fossil-fuel fired electrical generating units. DAPC has reviewed these rules as required by Ohio Revised Code (ORC) 119.032

(5-yr review). In this [rulemaking](#) there are proposed amendments to forty rules in this chapter for four reasons: (1) to revise the comment at the head of rules containing citations of referenced materials, to match language prescribed by the Legislative Services Commission; (2) to provide current effective dates for referenced materials; (3) to update the rule language in four rules to make it match the corresponding text in those federal acid rain rules that have been amended since the last 5-year review; and (4) to correct minor errors of punctuation or grammar. Ohio EPA has also determined that 24 of the rules in this chapter remain necessary but are without need of change. A [hearing](#) is scheduled for October 3, 2011.



CONTROL OF PHRAGMITES POPULATIONS

The Wisconsin Department of Natural Resources announced their aerial spraying plan, which commenced on September 14, 2011, to control [phragmites australis](#). Phragmites australis is an invasive grass that displaces plants and wildlife and interferes with views of Lake Michigan. Helicopters will be used to apply Imazapyr, an herbicide approved by the USEPA, in areas difficult to access by foot or by wheeled vehicle. About 300 acres in Door, Manitowoc and Sheboygan counties will be treated by contractors and DNR employees working on foot. Spraying is expected to be complete by October 31, 2011. Information on daily plans for spraying will be available via a DNR hotline (920) 662-5139.



2011 REPORT TO CONGRESS ON SUSTAINABLE RANGES

The 2011 DoD Report to Congress on Sustainable Ranges (SRR) is an update to the 2010 report and was developed in response to Section 366 of the 2003 National Defense Authorization Act (NDAA). Congress required DoD to develop a comprehensive plan to address training constraints caused by limitations on the use of military lands, marine areas, and airspace that are available in the United States and overseas for training of the Military Services. The report also provides an updated, comprehensive inventory of DoD training ranges (see part 2). The full reports ([Part 1](#) and [Part 2](#)) can be downloaded.



COMPLIANCE

USEPA'S FY 2012 NATIONAL FEDERAL FACILITIES COMPLIANCE AND ENFORCEMENT PROGRAM AGENDA

USEPA released a [brief summary](#) of their Federal Facility Compliance and Enforcement Program Agenda, which is similar in focus to their Fiscal Year (FY) 2012 Office of Enforcement and Compliance Assurance (OECA) Program Manager Guidance. Both USEPA documents target [enforcement priorities for 2012](#), and both documents warrant consideration for those personnel responsible for any and all environmental compliance. Priorities include: Integrated Strategies for NPDES Stormwater requirements (FY06-FY12), Federal Underground Storage Tanks (FY07-FY12), RCRA Integrated Strategy with emphasis on corrective action progress, facilities that generate medical hazardous waste. Other priorities are Enforcement, Monitoring, Compliance Assistance, Cleanup/land Restoration, and Data Quality/Reporting and Environmental Justice issues.

LEAD TESTING REQUIREMENTS FOR RENOVATION, REPAIR, AND PAINTING

USEPA issued a final rule, as part of a settlement of litigation over certain post-renovation cleaning requirements of the 2008 Lead Renovation, Repair, and Painting Program (RRP) rule, in which USEPA agreed to propose a number of revisions to the 2008 RRP rule that established accreditation, training, certification, and recordkeeping requirements as well as work practice standards for persons performing renovations for compensation in most pre-1978 housing and child-occupied facilities and to subsequently take final action on the proposed rule by July 15, 2011 [[76 FR 4791](#), August 5, 2011]. The proposed rule published on May 6, 2010. This action is EPA's final action on all aspects of the May 6, 2010 proposal. This final rule becomes effective on October 4, 2011.

ENERGY**DOE GUIDE ON INTEGRATING RENEWABLE ENERGY IN FEDERAL CONSTRUCTION**

The U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP) launched a guide titled, "[*Guide to Integrating Renewable Energy in Federal Construction*](#)." The FEMP guide offers renewable energy options to help Federal agencies select appropriate technologies, and integrate renewable energy technologies in all phases of new construction and major renovation projects. Training information and additional resources are also provided.

UST**COMPATIBILITY OF UST SYSTEMS WITH BIOFUEL BLENDS CORRECTION**

USEPA issued a Notice of Correction to the guidance which was published in the Federal Register on [[76 FR 39095](#), July 5, 2011] [[76 FR 46798](#), August 3, 2011]. The guidance described how owners and operators of underground storage tanks (USTs) can demonstrate compliance with the Federal compatibility requirement for UST systems storing gasoline greater than 10 percent ethanol or diesel containing greater than 20 percent biodiesel. That guidance contained a typographical error which this Federal Register notice corrects. The complete, corrected version of the guidance can be found on USEPA's Web site.

WHAT	WHEN	WHERE	DETAILS
<u>WORLD GREEN ENERGY CONFERENCE</u>	OCTOBER 9 - 12	PHILADELPHIA, PA	The conference will focus on green technology options available and already succeeding. It provides the opportunity for businesses from around the world, "large and small" to showcase their products to an enthusiastic and forward thinking audience at the tallest greenest building in the U.S.
<u>AWEA Offshore WINDPOWER 2011</u>	OCTOBER 11 - 13	BALTIMORE, MD	This event gathers manufacturers, suppliers, developers, operators, policy makers, utility representatives, and thought leaders from all aspects of the offshore wind industry. Maryland Governor Martin O'Malley is scheduled to speak at opening session.
<u>WORLD ENERGY ENGINEERING CONFERENCE</u>	OCTOBER 12 - 14	CHICAGO, IL	In its 34th year, the WEEC is well-recognized as an important energy event of national and international scope for energy professionals in all areas of the energy field.
<u>GREENGOV SYMPOSIUM</u>	OCT/NOV 31 - 2	WASHINGTON, DC	The White House Council on Environmental Quality (CEQ) will hold its second annual GreenGov Symposium, which aims to bring together leaders from government, the private sector, non-profits and academia to identify opportunities to create jobs, grow clean energy industries, and curb pollution by greening the Federal Government.
<u>SECOND INTERNATIONAL CONF. ON GREEN AND SUSTAINABLE TECHNOLOGY</u>	NOVEMBER 8 - 10	GREENBORO, SC	This is a technical conference for engineers, scientists, researchers and practitioners in engineering, renewable energy technologies, architecture, construction, construction materials and related fields.
<u>CALENDAR OF WIND POWER-RELATED EVENTS</u>	MULTIPLE MONTHS	CHOOSE STATE	The U.S. DOE has a new Wind Powering America event web portal that has an RSS feed that provides multiple wind energy related events and webinars.



Internet Resources

STATE / TERRITORY RESOURCES

REGULATORY SOURCES	LEGISLATIVE RESOURCES
CT Department of Environmental Protection..... http://www.ct.gov/dep	CT General Assembly http://www.cga.ct.gov
DE Department of Natural Resources and Environmental Control... http://www.dnrec.delaware.gov	DE General Assembly http://legis.delaware.gov
DC Department of Environment http://ddoe.dc.gov/ddoe	DC City Council http://www.dccouncil.washington.dc.us
IL Environmental Protection Agency http://www.epa.state.il.us	IL General Assembly http://www.ilga.gov
IN Department of Environmental Management http://www.state.in.us/idem	IN General Assembly http://www.in.gov/legislative
ME Department of Environmental Protection http://www.state.me.us/dep	ME State Legislature http://www.maine.gov/legis
MD Department of Environment http://www.mde.state.md.us	MD General Assembly... http://mlis.state.md.us
MA Department of Environmental Protection..... http://www.mass.gov/dep	MA General Court http://www.mass.gov/legis/legis.htm
MI Department of Environmental Quality http://www.michigan.gov/deg	MI Legislature http://www.legislature.mi.gov
MN Pollution Control Agency http://www.pca.state.mn.us	MN State Legislature..... http://www.leg.state.mn.us
NH Department of Environmental Services http://des.nh.gov	NH General Court..... http://gencourt.state.nh.us
NJ Department of Environmental Protection..... http://www.state.nj.us/dep	NJ Legislature http://www.njleg.state.nj.us
NY Department of Environmental Conservation..... http://www.dec.ny.gov	NY Assembly http://assembly.state.ny.us
OH Environmental Protection Agency http://www.epa.state.oh.us	NY Senate..... http://assembly.state.ny.us
PA Department of Environmental Protection http://www.depweb.state.pa.us/dep	OH General Assembly http://www.legislature.state.oh.us
PR Department of Natural and Environmental Resources http://www.gobierno.pr	PA General Assembly http://www.legis.state.pa.us
RI Department of Environmental Management..... http://www.dem.ri.gov	PR Government..... http://welcome.topuertorico.org/government.shtml
VT Agency of Natural Resources http://www.anr.state.vt.us	RI General Assembly http://www.rilin.state.ri.us
VI Department of Planning and Natural Resources http://www.dpnr.gov.vi	VT Legislature..... http://www.leg.state.vt.us
VA Department of Environmental Quality http://www.deq.state.va.us	VI Legislature http://www.senate.gov.vi
WV Department of Environmental Protection..... http://www.wvdep.org	VA General Assembly http://legis.state.va.us
WI Department of Natural Resources http://www.dnr.state.wi.us	WV Legislature http://www.legis.state.wv.us
	WI State Legislature http://www.legis.wisconsin.gov/senhome.htm

OTHER RESOURCES

MILITARY RESOURCES	OTHER FEDERAL AGENCY RESOURCES
DoD DoD Defense Link http://www.defenselink.mil Denix..... http://www.denix.osd.mil/ National Defense Center for Environmental Excellence http://www.ndcee.ctc.com Joint Services P2 and Sustainability Technical Library http://205.153.241.230/ ARMY Army Knowledge Online https://www.us.army.mil Assistant Secretary of the Army for Installations, Energy and Environment http://www.asaie.army.mil/Public/ESOH/ Deputy Assistant Secretary of the Army for Installations, Energy and Environment http://www.asaie.army.mil/Public/Partnerships/bios/index.html US Army Environmental Command http://aec.army.mil US Army Sustainability http://www.sustainability.army.mil Army Sustainable Range Program..... https://srp.army.mil Army Environmental Policy Institute http://www.aepi.army.mil Army Corps of Engineers http://www.usace.army.mil North Atlantic Division..... http://www.nad.usace.army.mil Great Lakes and Ohio River Division http://www.lrd.usace.army.mil	US Government http://www.USA.gov US Environmental Protection Agency http://www.epa.gov Region 1 http://www.epa.gov/region01 Region 2 http://www.epa.gov/region02 Region 3 http://www.epa.gov/region03 Region 5 http://www.epa.gov/region5 US Department of Agriculture http://www.usda.gov National Resource Conservation Service http://www.nrcs.usda.gov US Department of Interior http://www.doi.gov Bureau of Land Mgmt. Eastern States http://www.blm.gov/es/st/en.html US Geological Survey http://www.usgs.gov US Fish and Wildlife Service..... http://www.fws.gov Midwest Region (Reg. 5 States) http://www.fws.gov/midwest Northeast Region (all Reg. 1, 2, 3 States) http://www.fws.gov/northeast National Park Service..... http://www.nps.gov Bureau of Indian Affairs..... http://www.bia.gov US Department of Energy http://www.energy.gov Office of Environmental Management http://www.em.doe.gov US Coast Guard..... http://www.uscg.mil/ National Response Center NRC http://www.nrc.uscg.mil/ Federal Register http://www.gpoaccess.gov/fr/index.html

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